IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 145 of 2005

Between:

Gogineni Samba Siva Rao, S/o. Kotaiah,
J.K.C.College, Guntur, Guntur District.

..... PETITIONER

AND

1. The J.K.C. College, Guntur, Guntur District Rep. by its

Secretary and Correspondent.
2. S.R.K. Prasad, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
3. Smt. P. Santha Kumari, W/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
4. Krishna Prasad, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
5. N. Sarath Chandra Naidu, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
6. V.D. Naidu, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
7. The Commissioner/Director of Collegiate Education,

Governemnt of Andhra Pradesh,
Nampally, Hyderabad.
8. The Regional Joint Director of Collegiate, Education,
Guntur, Guntur District.
9. The Government of Andhra Pradesh, Rep. by its Principal

Secretary, Higher Education Department
Secretariat, Hyderabad.

...RESPONDENTS

ORDER:

Heard, Mr G.Pedda Babu, learned counsel for the petitioner, Mr Nuti Ramamohan Rao, learned counsel for the second respondent and there is no representation on behalf of the first respondent. Heard the learned Government pleader for Higher Education for respondents 7 to 9, but without a counter affidavit and the writ petition is disposed of as under.

The petitioner and the second respondent are the principal disputants as their claim is for the post of a Principal in the longer term and for a full Additional Charge/In-charge Principal in the interregnum. While the petitioner was appointed as a Junior Lecturer and thereafter promoted as an Assistant Lecturer, the second respondent was appointed as a demonstrator, then promoted as a Junior Lecturer, thereafter as an Assistant Lecturer, all in the first respondent college which was admitted to grant in aid in April, 1973, Thereafter, the first respondent prepared a seniority list in December, 1973, whereat the name of the petitioner was shown as senior to the second respondent by an order dated 20.07.2004. A revised seniority list of teaching staff of first respondent institution was issued by the first respondent on

20.07.2004, wherein the petitioner is shown as junior to the respondents 2 to 6. It is alleged by the petitioner and conceded by the second respondent and undenied by the respondent No.1 and responded with silence by the respondents 7 to 9 that the revised seniority list dated 20.07.2004 issued nearly 31 years after the earliest seniority list of 1973 was issued by the management, was issued without notice or opportunity to the effected teaching staff. The petitioner is certainly aggrieved since his earlier established seniority over respondents 2 to 6 (as per the earlier seniority list) has now been disturbed without notice and opportunity to him and without sensitizing him as to the reasons why he suffers a diminution of seniority as against the respondents 2 to 6. The petitioner also assails the showing of respondents 2 to 6 as seniors to him on merits.

Having regard to the fatal infirmity of the seniority list dated 20.07.004 on the platform of violation of principles of natural justice, it is not necessary to go in to the other challenges to the seniority list urged by the petitioner. On the established factual scenario and the light of the uncontested claim of the petitioner that the seniority list has been revised without notice or opportunity to him, the impugned seniority list issued by the first respondent on 20.07.2004 revising the seniority list of teaching staff of the first respondent educational institution cannot survive invites invalidation and is accordingly set aside.

The petitioner asserts and the second respondent does not demur from this assertion that the second respondent has been placed as full additional charge principal of the first respondent institution only on the ground that he is senior to the petitioner as per the impugned seniority list. Now that the impugned

seniority list dated 20.07.2004 is set aside by this Court, the second respondent is rendered junior to the petitioner as per the seniority list that existed prior to the impugned seniority list. This position is not and cannot be in dispute.

In the circumstances, the first respondent-management shall expeditiously and in any event, within a period of two weeks from the date of receipt of a copy of this order, take a decision as to the appropriate choice for appointing a person as a full Additional Charge Principal of the first respondent institution. The decision in this regard and the reasons therefor shall be taken by the first respondent and shall be communicated to the petitioner within the aforesaid time and the respondents 7 to 9 shall ensure that the first respondent complies with this application consequent on the order of this Court.

The writ petition is disposed of as above. No costs.

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kvrm 22-09-2005